

Published in the Washington Times on March 7, 2012

For the war in Iraq, four Medals of Honor have been awarded for extraordinary acts of combat heroism. Of those four awards, all of which were posthumous, three were for action that involved smothering a grenade to save others - action consistently recognized by the Medal of Honor.

One Marine - Sgt. Rafael Peralta - was nominated for the Medal of Honor for the same reason, but, unlike those who have been properly recognized, he was denied the nation's highest award for combat valor by then-Secretary of Defense Robert M. Gates. It is a decision that represents what is wrong with the awards process today. It is a decision viewed to be just as much of an injustice to Sgt. Peralta as it is a disservice to the men and women of the Marine Corps and their contribution and sacrifice during nearly a decade in Iraq.

Fighting in Fallujah in 2004, Sgt. Peralta and several of his fellow Marines entered a room and made immediate contact with the enemy. A firefight erupted, and Sgt. Peralta was hit in the back of the head with a fragment from a ricocheted bullet. On the floor and with a live enemy grenade within reach, he pulled the grenade to his body, absorbing the blast and saving his fellow Marines at the cost of his own life.

Seven Marines testified to Sgt. Peralta's actions. Those witness accounts were corroborated by medical evidence and thorough investigation, leaving no doubt that Sgt. Peralta knowingly reached for the grenade. The Marine Corps, understanding the courage and personal sacrifice involved, nominated him for the Medal of Honor. Soon after, then-Secretary of the Navy Donald C. Winter reviewed the nomination and gave it his stamp of approval.

None of this was good enough for Mr. Gates.

What happened next was unprecedented. For the first time, Mr. Gates assembled a review panel - consisting of two pathologists, among others - who came to the conclusion that Sgt. Peralta's head wound would have prevented him from consciously performing the action seven witnesses, medical and investigatory evidence and the Marine Corps command all say he did.

The Gates panel also determined that the grenade detonated one to three feet from his left knee instead of underneath him, even though a piece of the grenade fuse was recovered from the flak jacket, center mass.

Pointing to the panel's findings, Mr. Gates downgraded Sgt. Peralta's Medal of Honor to the Navy Cross - the Navy and Marine Corps' second-highest award for valor. The Peralta family was notified of the decision, and there have been multiple attempts since then to present the family with the Navy Cross, which the family still refuses to accept.

The Navy Cross citation even reads like a Medal of Honor citation, stating: "Without hesitation and with complete disregard for his own personal safety, Sergeant Peralta reached out and pulled the grenade to his body, absorbing the brunt of the blast and shielding his fellow Marines only feet away." That is an indisputable statement validating that Sgt. Peralta did exactly what Mr. Gates says he didn't do.

For whatever reason, Mr. Gates' panel manufactured enough doubt to deny Sgt. Peralta the proper recognition. Up to that point, there was consensus that Sgt. Peralta should receive the Medal of Honor - an opinion that is still prevalent nearly eight years after the fact.

Thankfully, there's now information previously unavailable to investigators that invalidates Mr. Gates' conclusion, clearing the way for Sgt. Peralta finally to get the award he should have received years ago.

The first piece of evidence is a new report from renowned forensic pathologist Dr. Vincent Di Maio, who reviewed materials in regard to Sgt. Peralta's death, including witness statements, the condition of the body armor, autopsy findings and his own experience with head wounds. His determination: Sgt. Peralta "was not immediately incapacitated by the brain injury and in fact reached for the grenade and pulled it under his body."

The second piece of evidence is a video taken by a combat film crew. The video shows Marines attending to Sgt. Peralta after the grenade detonated. He is face-down, with injury to the lower abdomen. The Gates panel claimed there was no evidence that the grenade detonated underneath him, but rather asserted the grenade exploded one to three feet from his left knee. The video shows no sign of injury to his left leg or knee. His trousers are intact, and no blood is

visible on the back or left side of the leg.

Between the video and the pathology report, it is evident just how wrong the Gates panel was in reaching its decision. The burden for correcting this mistake should not fall to the Marine Corps or the Navy, but rather the secretary of defense, who is in a position to address this situation once and for all.

In reality, all it should take for the Marine Corps and the Navy is to resubmit Sgt. Peralta's Medal of Honor nomination. That should be enough. A new secretary of defense means new possibility for Sgt. Peralta and the Marine Corps.

Regardless, there's new information available, enough to reopen the case, and there's also a formal request to the secretary of the Navy to resubmit the nomination from a bipartisan delegation of House and Senate lawmakers. It is important that the Marine Corps knows it has the secretary of the Navy's support. Representing one of his own, a Marine, the secretary of the Navy should resubmit the nomination as soon as possible to the secretary of defense.

Recently, at the suggestion of Congress, the Navy announced it will name a destroyer after Sgt. Peralta - a fitting honor that will carry his legacy around the world. He will be joining an elite class of American heroes in the destroyer class, including Cpl. Jason L. Dunham, who was awarded the Medal of Honor for smothering a grenade in Iraq.

Awarding Sgt. Peralta the Medal of Honor would go a long way toward restoring integrity to the awards process. More important, it would ensure Sgt. Peralta is rightly recognized for his sacrifice.